

REMARKS

Applicants respectfully traverse the outstanding Office Communication asserts that recently added claims 38-51 “are not drawn to the elected invention,” but it does not indicate in any way how the Examiner determines that the newly added claims represent patentably distinct inventions from previous independent claims 1 and 8, for example. The original restriction requirement asserted by the Examiner restricted the claims between: (1) a liquid crystal alignment layer; (2) a liquid crystal polarizer; and (3) a light shielding layer within a liquid crystal cell. No other distinctions between the claims were made by the Examiner, and prosecution continued on group (1), which included independent claims 1 and 8 and their respective dependent claims.

Independent claims 38 and 42 are broader than claims 1 and 8, but broadening a claim is not a basis upon which the Examiner may withdraw the claim for not being “drawn to the elected invention.” Independent claim 38, for example, is drawn to a substrate for a liquid crystal display apparatus, with at least one linear slit on the substrate, and at least one boundary on the linear slit. In comparison, original claim 1, as last amended, recited a linearly arranged alignment control structure on at least one of the substrates, and at least one boundary on the linearly arranged alignment control structure. Claim 1 further recited an additional substrate, electrodes, vertical alignment layers, and liquid crystal having negative anisotropy or dielectric constant. The Examiner has not given any explanation for how new claim 38 would be patentably distinct from a claim 1 that could be broadened in such a way as to remove one of the pair of substrates, the liquid crystal, and the vertical alignment layers.

It can thus be seen, by comparing the example of a “broadened” claim 1 with new claim 38, that the main distinction between these two claims would be that claim 1 was drawn to a liquid crystal display apparatus, whereas claim 38 is drawn to a substrate for a liquid crystal display apparatus. Claim 1 also recited a “linearly arranged alignment control structure,” whereas claim 38 recites a linear slit. The original Restriction Requirement, however, did not distinguish between the groups of claims according to whether they were drawn to an apparatus, or only a substrate for an apparatus, or whether the alignment control “structure” was a slit. The Examiner will note that independent claim 42, for example, recites a “linearly arranged protrusion or slit.”

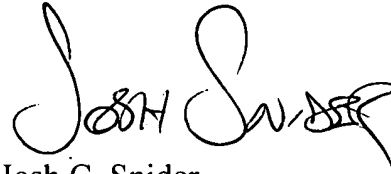
In the event that the Examiner may consider that the new claims being drawn to a substrate for an apparatus, instead of the apparatus itself, renders them outside of the scope of the “elected invention,” Applicants have added new claims 52-53 as examples which demonstrate how such an interpretation would be improper. New claim 52 is drawn to a liquid crystal display apparatus that includes a substrate having the features of independent claim 38. New claim 53 depends from independent claim 52, but additionally recites a second substrate, liquid crystal having negative anisotropy or dielectric constant, and electrodes and vertical alignment layers on both substrates. Accordingly, new dependent claim 53 demonstrates how new independent claim 52 is, at the very least, generic or linking for what the Examiner considers to be “the elected invention.” New claims 38-51 should therefore be subject to consideration in the prosecution of this Application for the same reasons as should be claims 52 and 53.

For all of the foregoing reasons, Applicants submit that the Office Communication of May 24, 2006 be withdrawn, and full consideration be given to all of claims 38-53.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider". The signature is stylized with a large initial "J" and a cursive "Snider".

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